

Routing Administrative Civil Penalty and Formal Referral Documents to DPR

Date March 7, 2006

Enclosure to Enforcement Letter Enclosure to Enforcement Letter, ENF 06-04

Background Several Enforcement Letters have been issued over the years explaining the need to collect information related to enforcement actions and directing County Agricultural Commissioners (CACs) to forward the following documents:

- 1) Notices of Proposed Action
- 2) Administrative civil penalty “closing documents”
- 3) Enforcement/Compliance Action Summary form (PR-ENF-046)

Collection of information about enforcement actions assists DPR in tracking overall enforcement trends and allows DPR to provide more accurate and complete information about enforcement throughout the state.

Routing the Notice of Proposed Action **A copy of every Notice of Proposed Action (NOPA) must be sent to the Department of Pesticide Regulation (DPR) at the same time it is mailed to the respondent. This requirement is found in Title 3 California Code of Regulations (3CCR) section 6130(a)(3).**

Send copies of NOPAs to the appropriate DPR Regional Office.

NOPA Review CACs are no longer required to submit NOPAs for review by DPR prior to sending the NOPA to the respondent and the DPR Regional Office.

Continued on next page

Routing Administrative Civil Penalty and Formal Referral Documents to DPR, continued

Routing the Closing Document

A copy of every closing document must be sent to the DPR.

Administrative civil penalty cases provide a person/firm (respondent) due process, for which several options are available. A respondent may decide to accept the enforcement action (e.g. pay the fine, serve the suspension, or attend an approved class) or a respondent may chose to request a hearing. Therefore, the type of “closing document” for a specific NOPA will vary based upon the due process option chosen by the respondent.

Types of closing documents are listed below. Only one document is needed to close a case.

- 1) Stipulation and Waiver to Order - signed by respondent and sent to CAC
- 2) Letter acknowledging receipt of payment - sent by CAC to respondent when payment is received, but Stipulation and Waiver to Order is not signed (nor is a hearing requested)
- 3) Notice of Decision and Order to pay - sent by CAC to respondent when a hearing is requested, but respondent does not show; or hearing is not requested within the time frame (and no signed Stipulation and Waiver to Order is submitted).
- 4) Notice of Final Decision - sent by CAC to respondent after a hearing has been held.

Send a copy of the closing document to the appropriate DPR Regional Office at the same time it is sent by the CAC to the respondent or immediately after receipt by the CAC of the signed Stipulation and Waiver to Order.

Continued on next page

Routing Administrative Civil Penalty and Formal Referral Documents to DPR to DPR, Continued

Structural Civil Penalty Cases	The CAC should <u>also</u> send a copy of the NOPA and appropriate closing document for structural civil penalty cases to the Structural Pest Control Board (SPCB) at the following address or fax to (916) 263-2469: Structural Pest Control Board 1418 Howe Avenue, Suite 18 Sacramento, CA 95825
Routing the Formal Referral Document	A copy of any formal referral to a City Attorney, District Attorney, Circuit Prosecutor, or Attorney General by the CAC must be sent to DPR. Send a copy of the formal referral document to the appropriate <u>DPR Regional Office</u> .
Enforcement/ Compliance Action Summary Form	The CAC must complete the Enforcement/Compliance Action Summary form (PR-ENF-046, REV. 6/01) for each <u>closed</u> enforcement action or formal referral and attach it to the Pesticide Regulatory Activities Monthly Report (PRAMR).
Questions	If you have any questions, please contact the Enforcement Branch Liaison assigned to your county.
